

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By **CHAIRMAN DIANE RICE**, on April 2, 2005 at 7:00 A.M., in Room 137 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Diane Rice, Chairman (R)  
Rep. Paul Clark, Vice Chairman (D)  
Rep. Ron Stoker, Vice Chairman (R)  
Rep. Arlene Becker (D)  
Rep. Robyn Driscoll (D)  
Rep. George Everett (R)  
Rep. Gail Gutsche (D)  
Rep. Christopher Harris (D)  
Rep. Roger Koopman (R)  
Rep. Tom McGillvray (R)  
Rep. Mark E. Noennig (R)  
Rep. Art Noonan (D)  
Rep. John Parker (D)  
Rep. Jon Sonju (R)  
Rep. John Ward (R)  
Rep. Bill Wilson (D)  
Rep. Jeanne Windham (D)

**Members Excused:** Rep. Michael Lange (R)

**Members Absent:** None.

**Staff Present:** John MacMaster, Legislative Branch  
Pam Schindler, Committee Secretary

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed.

##### **Committee Business Summary:**

Hearing & Date Posted: None  
Executive Action: SB 204-Do Concur, SB 104, 139, 231-  
Do Concur As Amended, SB 43-Tied

**EXECUTIVE ACTION ON SB 43**

**Motion:** REP. HARRIS moved that SB 43 BE CONCURRED IN.

**Discussion:**

The committee discussed SB 43 at length. Their expressed their concerns with the enforceability issue of a primary seatbelt law, the high percentage of Montanans that use their seatbelts, "creeping criminalism" and personal rights and freedoms.

(Please Note: REP. WINDHAM absent from the room.)

**Vote:** Motion that SB 43 BE CONCURRED IN failed 9-9 by roll call vote with REP. EVERETT, REP. GUTSCHE, REP. KOOPMAN, REP. LANGE, REP. NOONAN, REP. RICE, REP. SONJU, REP. STOKER, and REP. WARD voting aye. (REPS. LANGE and WINDHAM voted by proxy vote.)  
{Tape: 1; Side: A; Approx. Time Counter: 0 - 262}

**EXECUTIVE ACTION ON SB 104**

**Motion:** REP. PARKER moved that SB 104 BE CONCURRED IN.

(Please Note: REP. WINDHAM returned to the room.)

**Motion:** REP. CLARK moved that SB 104 BE AMENDED.  
[EXHIBIT](#)(juh70a01)

**Discussion:**

The committee discussed the amendment briefly.

**Vote:** Motion that SB 104 BE AMENDED carried unanimously by voice vote. (REP. LANGE voted by proxy vote.)

**Motion:** REP. PARKER moved that SB 104 BE CONCURRED IN AS AMENDED.

**Discussion:**

REP. CLARK discussed the possibility of changing the time for driving at night from 11:00 P.M. to 9:00 P.M.

{Tape: 1; Side: A; Approx. Time Counter: 262 - 378}

**Motion/Vote:** REP. CLARK moved that SB 104 BE AMENDED with a CONCEPTUAL AMENDMENT TO CHANGE THE TIME FROM 11:00 P.M. TO 9:00 P.M. Motion failed 6-12 by roll call vote with REP. BECKER, REP. CLARK, REP. GUTSCHE, REP. HARRIS, REP. STOKER, and REP. WILSON voting aye. (REP. LANGE voted by proxy vote.)

**Discussion:**

The committee continued to discuss the bill with the amendment added.

**Vote:** Motion that SB 104 BE CONCURRED IN AS AMENDED carried 12-6 by roll call vote with REP. EVERETT, REP. KOOPMAN, REP. MCGILLVRAY, REP. RICE, REP. SONJU, and REP. STOKER voting no. (REP. LANGE voted by proxy vote.) (REP. GEORGE GOLIE to carry.) {Tape: 1; Side: A; Approx. Time Counter: 378 - 500}

**EXECUTIVE ACTION ON SB 139**

**Motion/Vote:** REP. NOENNIG moved that SB 139 BE REMOVED FROM THE TABLE. Motion carried 13-4 by roll call vote with REP. EVERETT, REP. RICE, REP. SONJU, and REP. WARD voting no.

(Please Note: This is a Present and Voting Vote-No Proxy Votes Allowed.)

**Motion:** REP. NOENNIG moved that SB 139 BE AMENDED.  
[EXHIBIT](#) (juh70a02)

**Discussion:**

REP. NOENNIG requested the committee allow Ms. Pfeiffer, Child Enforcement Division to speak to the committee. **CHAIRMAN RICE** ruled that it was appropriate to allow her to speak to the committee.

Amy Pfeiffer, Child Enforcement Division, Department of Public Health and Human Services, spoke to the committee about the enforcement of foreign orders.

**Vote:** Motion that SB 139 BE AMENDED carried unanimously by voice vote.

**Motion:** REP. NOENNIG moved that SB 139 BE CONCURRED IN AS AMENDED.

**Motion:** REP. NOENNIG moved that SB 139 BE AMENDED.  
[EXHIBIT](#) (juh70a03)

**Discussion:**

There was some discussion among the committee members and a request for Ms. Pfeiffer to give an overview of the bill to the committee.

**Vote:** Motion that SB 139 BE AMENDED carried unanimously by voice vote. (REP. LANGE voted by proxy vote.)

**Vote:** Motion that SB 139 BE CONCURRED IN AS AMENDED carried unanimously by voice vote. (REP. LANGE voted by proxy vote.)  
(Rep. Noennig to carry)

*{Tape: 1; Side: B; Approx. Time Counter: 0 - 167}*

REP. HARRIS requested that SB 43 be reconsidered; CHAIRMAN RICE did not recognize his request.

**EXECUTIVE ACTION ON SB 231**

**Motion/Vote:** REP. NOENNIG moved that SB 231 BE REMOVED FROM THE TABLE. Motion carried 14-3 by roll call vote with REP. DRISCOLL, REP. WARD, and REP. WINDHAM voting no.

(Please Note: This is a Present and Voting Vote-No Proxy Votes Allowed.)

**Motion:** REP. NOENNIG moved that SB 231 BE CONCURRED IN.

**Motion:** REP. NOENNIG moved that SB 231 BE AMENDED.  
[EXHIBIT](#)(juh70a04)

**Discussion:**

Mr. MacMaster explained the amendment to the committee, with REP. NOENNIG having additional input.

**Vote:** Motion that SB 231 BE AMENDED carried unanimously by voice vote. (REP. LANGE voted by proxy vote.)

**Motion/Vote:** REP. NOENNIG moved that SB 231 BE CONCURRED IN AS AMENDED. Motion carried unanimously by voice vote. (REP. LANGE voted by proxy vote.) (REP. NOENNIG to carry.)

*{Tape: 1; Side: B; Approx. Time Counter: 167 - 302}*

EXECUTIVE ACTION ON SB 204

**Motion/Vote:** REP. PARKER moved that SB 204 BE REMOVED FROM THE TABLE. Motion carried 11-6 by roll call vote with REP. KOOPMAN, REP. MCGILLVRAY, REP. NOENNIG, REP. RICE, REP. WARD, and REP. WINDHAM voting no.

(Please Note: This is a Present and Voting Vote-No Proxy Votes Allowed.)

**Motion/Vote:** REP. PARKER moved that SB 204 BE CONCURRED IN. Motion carried 12-6 by roll call vote with REP. CLARK, REP. KOOPMAN, REP. NOENNIG, REP. NOONAN, REP. WARD, and REP. WINDHAM voting no. (REP. LANGE voted by proxy vote.) (REP. PARKER to carry.)

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REP. WINDHAM requested that the committee reconsider SB 43, CHAIRMAN denied the request.

REP. NOONAN requested that he would like to change his vote on SB to an "aye" vote. CHAIRMAN RICE denied his request and adjourned the meeting.

*{Tape: 1; Side: B; Approx. Time Counter: 440 - 450}*

**ADJOURNMENT**

Adjournment: 8:03 A.M.

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REP. DIANE RICE, Chairman

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PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

**EXHIBIT ([juh70aad0.PDF](#))**